

Adult Prosecution of Juveniles Is Warranted In Certain Cases

By James C. Backstrom*

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Prosecuting juvenile offenders in adult court is appropriate and necessary in certain cases to protect public safety and hold youth appropriately accountable for their crimes. Contrary to the claims of opponents, this sanction is not being overused by America's prosecutors. Few jurisdictions in our country prosecute more than 1-2% of juvenile offenders as adults. This is a tool reserved for the most serious, violent and chronic offenders who rightfully should face more serious consequences for their crimes than those available in juvenile court.

Don't be misled by claims that large numbers of youth are being prosecuted as adults for low level offenses, as these statistics come from the 13 states in America where laws classify 16 or 17 year olds as adults for purposes of any prosecution. This has nothing to do with transferring juveniles to adult court. Another misapplied fact in this debate relates to the development of the human brain. Recent scientific studies have shown that in most persons the brain is not fully developed until the early to mid-20's and the last portion of the brain to reach full maturity is the frontal lobe which governs impulse control. While this may well explain why some youth lack the reasoning ability to fully appreciate the consequences of their actions, this does not mean that they should not be held appropriately accountable for the crimes they commit. The vast majority of teenagers understand the difference between right and wrong and know it is wrong to torture or kill someone. This is why our laws rightfully allow adult court prosecution for these and other violent crimes.

Juveniles who commit serious and violent crimes, particularly older youth, should face potential adult court sanctions. So, too, must this remedy be available for youth who have committed less serious felonies who have a long history of convictions for which no juvenile court disposition has been effective. About one-third of our states also appropriately utilize "blended sentencing" models which combine both juvenile and adult criminal sanctions for serious, violent or habitual juvenile offenders whose crimes have been determined by either a prosecutor or a judge to not warrant immediate prosecution in adult court.

Prosecutors and judges thoughtfully and professionally enforce juvenile codes across America with fairness and impartiality every day, taking into consideration both mitigating factors, such as a juvenile offender's age and maturity and amenability to treatment and probation, and aggravating factors, such as the severity of the crime, the threat to public safety, the impact upon the victim and the offender's criminal history. After properly weighing these factors, in some cases the difficult decision to prosecute a juvenile offender as an adult is warranted.

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